



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

June 29, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street S.W.
Washington, DC 20554

Re: C.C. Docket 96-45, Nextel request for ETC designation, documenting
Ex Parte' communication between the Pa PUC and the FCC

Dear Secretary Dortch,

This letter is submitted by the Commonwealth of Pennsylvania Public Utility Commission (Pa PUC) pursuant to Section 1.1206 of the Commission rules governing *Ex Parte* ' communication, for the purpose of informing the FCC that the Pa PUC withdraws its request that the FCC defer consideration of Nextel's petition for ETC designation.

On June 17th counsel for the Pa PUC conferred with FCC's Assistant Division Chief for the Telecom Access Policy Division, Anita Cheng, and staff attorneys Thomas Buckley and Karen Franklin, regarding the comments filed by the Pa PUC in this matter. At that time, the Pa PUC apprised the FCC that, while Pennsylvania anticipates issuing a decision on the question of jurisdiction to designate wireless carriers as ETCs, the Pa PUC expects some delay in addressing the question due to the procedural posture of the relevant Pennsylvania proceedings.

In view of a possible delay to our opportunity to review and decide the jurisdictional question, the fact that Nextel sought a statement from our commission prior to seeking relief at the FCC, and to move this issue forward, the Pa PUC withdraws its request that the FCC defer the Nextel petition until the Pa PUC rules on the jurisdictional issue. This withdrawal is expressly contingent upon the FCC's appropriate limited use of the February 28, 2003 letter issued by the Secretary of the Pa PUC to Nextel in this proceeding and based upon the FCC's oral representation and the mutual understanding of each commission's representatives that the Nextel letter will not be construed as a general statement of the Pa PUC regarding jurisdiction to designate wireless carriers as ETCs, and will not preclude jurisdiction of the Pa PUC to designate wireless carriers as ETCs at a future date.

If you have any questions regarding this communication, you may contact me at (717) 772-0696.

Sincerely,

Elizabeth Lion Januzzi
Assistant Counsel
Pennsylvania Public Utility Commission

cc: Frank Wilmarth, Deputy Chief Counsel Pa PUC
Anita Cheng, Assistant Division Chief, Telecom Access Policy Division, FCC
Thomas Buckley, Staff Attorney, FCC
Karen Franklin, Staff Attorney, FCC